

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IGNITION ATHLETIC PERFORMANCE
GROUP, LLC,

PLAINTIFF,

v.

Case No. 2:06-CV-13684

HANTZ SOCCER U.S.A., LLC,

Honorable Sean F. Cox

DEFENDANT.

ORDER DENYING
MOTION FOR TEMPORARY RESTRAINING ORDER

On August 18, 2006, Plaintiff Ignition Athletic Performance Group, LLC ("Plaintiff") filed a Verified Complaint against Defendant Hantz Soccer U.S.A. LLC ("Defendant"), alleging trademark infringement and false designation of origin under 15 U.S.C. §§1114 and 1125. Along with the complaint Plaintiff filed a "Motion for Temporary Restraining Order and Preliminary Injunction."

The purpose of a temporary restraining order is to preserve an existing situation in status quo until the court has an opportunity to pass upon the merits of the demand for a preliminary injunction. *Hudson v. Barr*, 3 F.3d 970, 975 (6th Cir. 1993). Moreover, such relief should only be granted if it clearly appears that immediate and irreparable harm will result to the applicant before the adverse party can be heard in opposition. FED. R. CIV. P. 65(b).

Here, Plaintiff is not seeking to preserve the status quo, but rather, is seeking affirmative relief. Moreover, Plaintiff has not established that it will seek irreparable

harm before Defendant can be heard in opposition. Accordingly, Plaintiff's Motion for Temporary Restraining Order is **DENIED**.

s/Sean F. Cox
SEAN F. COX
UNITED STATES DISTRICT JUDGE

Dated: August 24, 2006

PROOF OF SERVICE

The undersigned certifies that the foregoing order was served upon counsel of record via the Court's ECF System and/or U. S. Mail on August 24, 2006.

s/Jennifer Hernandez
Case Manager to
District Judge Sean F. Cox